

6311 Lowman Ford Rd.
Lago Vista, Texas 78645

Note on the Examiners Decision:

Applicant respectfully disagrees with the Examiner's conclusion that the evidence does not show a refusal to sign. The Examiner states that there is evidence that Mr. Sigmar had received the application. The Examiner goes on to state that finalizing a consulting fee agreement is all that is required to obtain Mr. Sigmar's signature. Respectfully, the evidence presented shows that an agreement was reached, but that Mr. Sigmar did not return a tax form to allow Applicant to send the agreed amount. Applicant agreed to pay the amount demanded by Mr. Sigmar based on an expectation that Mr. Sigmar would respond in a timely manner, and in view of the expected continuing costs of delaying prosecution of the application.

Applicant cannot find any support in law for requiring an Applicant to pay any compensation to an inventor for joining an application. And Applicant respectfully submits that a demand for unreasonably high compensation does not constitute an agreement to sign a declaration.

Notwithstanding Applicant's objection to the Examiner's conclusion as to Mr. Sigmar's refusal to join in the application, further efforts were made to ensure that 1) Mr. Sigmar has a copy of the application papers and 2) that Mr. Sigmar is given a reasonable offer of compensation.

Evidence of Inventor's Refusal to Sign

1. On October 21, 2002, the undersigned personally spoke with Mr. Sigmar to discuss his unwillingness to join in the application. During that conversation, Mr. Sigmar reiterated his earlier position that he would review the application at an hourly rate of \$450, but he would not provide an estimate of how long the review would take. Moreover, Mr. Sigmar stated that Applicant "could prosecute the application without him."
2. On October 21, 2002, The undersigned sent an offer for Mr. Sigmar to review the application (EXHIBIT A). The offer was to pay Mr. Sigmar \$100 per hour for four hours to review the application and sign the declaration.
3. On October 22, 2002 Mr. Sigmar responded *refusing the offer* (EXHIBIT B). Mr. Sigmar again stated his demand for an exorbitant rate for the task. A careful reading of the letter also reveals that there is still no guarantee that Mr. Sigmar will join the application.

4. On November 1, 2002 the undersigned attorney again presented the application and Declaration to Mr. Sigmar (Exhibit C). A return receipt shows that Mr. Sigmar accepted the package on November 12, 2002 (EXHIBIT D).
5. The undersigned attorney has not received any communication from Mr. Sigmar since October 22, 2002.


Conclusion

Applicant has provided the last known address for Mr. Sigmar. Applicant has shown that Mr. Sigmar has received the application and declaration. Applicant has offered to pay a reasonable rate for Mr. Sigmar's time. Mr. Sigmar refused the offer, and Mr. Sigmar stated that Applicant can prosecute the application without him. There is no requirement for an Applicant to pay whatever Mr. Sigmar demands for his services. Therefore, Applicant has shown that Mr. Sigmar refuses to join in the application.

No additional fee is believed due for this petition. Applicants have enclosed a petition for extension of time and a check in the amount of \$110.00 for a one (1) month extension fee. The Commissioner is authorized to charge any under payment or credit any overpayment associated with this communication to **Deposit Account No. 13-0010 (IO-1013US)**.

Respectfully submitted,

Date: December 6, 2002


Todd A. Bynum
Registration No. 39,488
MADAN, MOSSMAN & SRIRAM, P.C.
2603 Augusta, Suite 700
Houston, Texas 77057
Telephone: 713/266-1130
Facsimile: 713/266-8510

CERTIFICATE OF MAILING UNDER 37 CFR 1.10

I hereby certify that the foregoing communication, and all documents referred to as enclosed or attached, are being deposited with the United States Postal Service on this **6th day of December, 2002** in an envelope as "Express Mail Post Office to Addressee" Mailing Label Number **EV262320209US** addressed to the Assistant Commissioner of Patents Attn: Box PCT, Washington, D. C. 20231.


Lee Brevard

Madan, Mossman & Sriram, P.C.

Attorneys at Law

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Sally J. Oliver, Of Counsel*

October 22, 2002

Mr. Axel Sigmar
Facsimile to (512) 267-9669

Re: U.S. Patent Application No. 09/936,634 "Integrated Multi-Axis Sensor Assembly and Packaging" Our Ref: IO-1013US and U.S. Patent Application No. 09/936,630
"Sensor" Our Ref: IO-1009-US

Dear Mr. Sigmar:

Thank you for speaking to me by telephone today. As discussed, I am sending you the enclosed W-9 "Request for Taxpayer Identification Number and Certification". I am sure you understand that we need the signed form before we can send you payment for signing the declarations and assignments for the subject U.S. patent applications.

Regarding your fee, I have discussed this matter with our client. They will authorize me to pay you a maximum of **\$400.00** for reviewing the applications and signing the declarations and assignments. Please understand that we are not requesting an in-depth technical review with comments. We simply need you to read the documents and provide signatures where requested.

If this is not acceptable to you, simply sign the statement below and fax this page back to me at (713) 266-8510. Alternatively, you may e-mail the statement directly to me. My e-mail address is tbynum@madanlaw.com.

If you accept by signing and returning the W-9 to me by October 22, 2002, then I will send you a check along with the applications and documents for signing.

_____ I refuse to join in the subject applications.
Axel Sigmar

Very truly yours,


Todd A. Bynum

Encl: As Noted

**Request for Taxpayer
Identification Number and Certification**

Give form to the
requester. Do not
send to the IRS.

Print or type See Specific Instructions on page 2.	Name	
	Business name, if different from above	
	Check appropriate box: <input type="checkbox"/> Individual/ Sole proprietor <input type="checkbox"/> Corporation <input type="checkbox"/> Partnership <input type="checkbox"/> Other ▶ <input type="checkbox"/> Exempt from backup withholding	
	Address (number, street, and apt. or suite no.)	Requester's name and address (optional)
	City, state, and ZIP code	
List account number(s) here (optional)		

Part I Taxpayer Identification Number (TIN)

Enter your TIN in the appropriate box. For individuals, this is your social security number (SSN). However, for a resident alien, sole proprietor, or disregarded entity, see the Part I instructions on page 2. For other entities, it is your employer identification number (EIN). If you do not have a number, see **How to get a TIN** on page 2.

Note: If the account is in more than one name, see the chart on page 2 for guidelines on whose number to enter.

Social security number								

or

Employer identification number								

Part II Certification

Under penalties of perjury, I certify that:

1. The number shown on this form is my correct taxpayer identification number (or I am waiting for a number to be issued to me), and
2. I am not subject to backup withholding because: (a) I am exempt from backup withholding, or (b) I have not been notified by the Internal Revenue Service (IRS) that I am subject to backup withholding as a result of a failure to report all interest or dividends, or (c) the IRS has notified me that I am no longer subject to backup withholding, and
3. I am a U.S. person (including a U.S. resident alien).

Certification instructions. You must cross out item 2 above if you have been notified by the IRS that you are currently subject to backup withholding because you have failed to report all interest and dividends on your tax return. For real estate transactions, item 2 does not apply. For mortgage interest paid, acquisition or abandonment of secured property, cancellation of debt, contributions to an individual retirement arrangement (IRA), and generally, payments other than interest and dividends, you are not required to sign the Certification, but you must provide your correct TIN. (See the instructions on page 2.)

Sign Here	Signature of U.S. person ▶	Date ▶
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Purpose of Form

A person who is required to file an information return with the IRS must get your correct taxpayer identification number (TIN) to report, for example, income paid to you, real estate transactions, mortgage interest you paid, acquisition or abandonment of secured property, cancellation of debt, or contributions you made to an IRA.

Use Form W-9 only if you are a U.S. person (including a resident alien), to give your correct TIN to the person requesting it (the requester) and, when applicable, to:

1. Certify the TIN you are giving is correct (or you are waiting for a number to be issued),
2. Certify you are not subject to backup withholding, or
3. Claim exemption from backup withholding if you are a U.S. exempt payee.

If you are a foreign person, use the appropriate Form W-8. See Pub. 515, **Withholding of Tax on Nonresident Aliens and Foreign Entities.**

Note: If a requester gives you a form other than Form W-9 to request your TIN, you must use the requester's form if it is substantially similar to this Form W-9.

What is backup withholding? Persons making certain payments to you must under certain conditions withhold and pay to the IRS 30% of such payments after December 31, 2001 (29% after December 31, 2003). This is called "backup withholding." Payments that may be subject to backup withholding include interest, dividends, broker and barter exchange transactions, rents, royalties, nonemployee pay, and certain payments from fishing boat operators. Real estate transactions are not subject to backup withholding.

You will not be subject to backup withholding on payments you receive if you give the requester your correct TIN, make the proper certifications, and report all your taxable interest and dividends on your tax return.

Payments you receive will be subject to backup withholding if:

1. You do not furnish your TIN to the requester, or
2. You do not certify your TIN when required (see the Part II instructions on page 2 for details), or
3. The IRS tells the requester that you furnished an incorrect TIN, or
4. The IRS tells you that you are subject to backup withholding because you did not report all your interest and dividends on your tax return (for reportable interest and dividends only), or

5. You do not certify to the requester that you are not subject to backup withholding under 4 above (for reportable interest and dividend accounts opened after 1983 only).

Certain payees and payments are exempt from backup withholding. See the instructions on page 2 and the separate **Instructions for the Requester of Form W-9.**

Penalties

Failure to furnish TIN. If you fail to furnish your correct TIN to a requester, you are subject to a penalty of \$50 for each such failure unless your failure is due to reasonable cause and not to willful neglect.

Civil penalty for false information with respect to withholding. If you make a false statement with no reasonable basis that results in no backup withholding, you are subject to a \$500 penalty.

Criminal penalty for falsifying information. Willfully falsifying certifications or affirmations may subject you to criminal penalties including fines and/or imprisonment.

Misuse of TINs. If the requester discloses or uses TINs in violation of Federal law, the requester may be subject to civil and criminal penalties.

Specific Instructions

Name. If you are an individual, you must generally enter the name shown on your social security card. However, if you have changed your last name, for instance, due to marriage without informing the Social Security Administration of the name change, enter your first name, the last name shown on your social security card, and your new last name.

If the account is in joint names, list first and then circle the name of the person or entity whose number you enter in Part I of the form.

Sole proprietor. Enter your individual name as shown on your social security card on the "Name" line. You may enter your business, trade, or "doing business as (DBA)" name on the "Business name" line.

Limited liability company (LLC). If you are a single-member LLC (including a foreign LLC with a domestic owner) that is disregarded as an entity separate from its owner under Treasury regulations section 301.7701-3, enter the owner's name on the "Name" line. Enter the LLC's name on the "Business name" line.

Other entities. Enter your business name as shown on required Federal tax documents on the "Name" line. This name should match the name shown on the charter or other legal document creating the entity. You may enter any business, trade, or DBA name on the "Business name" line.

Exempt from backup withholding. If you are exempt, enter your name as described above, then check the "Exempt from backup withholding" box in the line following the business name, sign and date the form.

Individuals (including sole proprietors) are not exempt from backup withholding. Corporations are exempt from backup withholding for certain payments, such as interest and dividends. For more information on exempt payees, see the Instructions for the Requester of Form W-9.

If you are a nonresident alien or a foreign entity not subject to backup withholding, give the requester the appropriate completed Form W-8.

Note: If you are exempt from backup withholding, you should still complete this form to avoid possible erroneous backup withholding.

Part I—Taxpayer Identification Number (TIN)

Enter your TIN in the appropriate box.

If you are a resident alien and you do not have and are not eligible to get an SSN, your TIN is your IRS individual taxpayer identification number (ITIN). Enter it in the social security number box. If you do not have an ITIN, see **How to get a TIN** below.

If you are a sole proprietor and you have an EIN, you may enter either your SSN or EIN. However, the IRS prefers that you use your SSN.

If you are an LLC that is disregarded as an entity separate from its owner (see **Limited liability company (LLC)** above), and are owned by an individual, enter your SSN (or "pre-LLC" EIN, if desired). If the owner of a disregarded LLC is a corporation, partnership, etc., enter the owner's EIN.

Note: See the chart on this page for further clarification of name and TIN combinations.

How to get a TIN. If you do not have a TIN, apply for one immediately. To apply for an SSN, get Form SS-5, Application for a Social Security Card, from your local Social Security Administration office. Get Form W-7,

Application for IRS Individual Taxpayer Identification Number, to apply for an ITIN, or Form SS-4, Application for Employer Identification Number, to apply for an EIN. You can get Forms W-7 and SS-4 from the IRS by calling 1-800-TAX-FORM (1-800-829-3676) or from the IRS Web Site at www.irs.gov.

If you are asked to complete Form W-9 but do not have a TIN, write "Applied For" in the space for the TIN, sign and date the form, and give it to the requester. For interest and dividend payments, and certain payments made with respect to readily tradable instruments, generally you will have 60 days to get a TIN and give it to the requester before you are subject to backup withholding on payments. The 60-day rule does not apply to other types of payments. You will be subject to backup withholding on all such payments until you provide your TIN to the requester.

Note: Writing "Applied For" means that you have already applied for a TIN or that you intend to apply for one soon.

Caution: A disregarded domestic entity that has a foreign owner must use the appropriate Form W-8.

Part II—Certification

To establish to the withholding agent that you are a U.S. person, or resident alien, sign Form W-9. You may be requested to sign by the withholding agent even if items 1, 3, and 5 below indicate otherwise.

For a joint account, only the person whose TIN is shown in Part I should sign (when required). Exempt recipients, see **Exempt from backup withholding** above.

Signature requirements. Complete the certification as indicated in 1 through 5 below.

1. Interest, dividend, and barter exchange accounts opened before 1984 and broker accounts considered active during 1983. You must give your correct TIN, but you do not have to sign the certification.

2. Interest, dividend, broker, and barter exchange accounts opened after 1983 and broker accounts considered inactive during 1983. You must sign the certification or backup withholding will apply. If you are subject to backup withholding and you are merely providing your correct TIN to the requester, you must cross out item 2 in the certification before signing the form.

3. Real estate transactions. You must sign the certification. You may cross out item 2 of the certification.

4. Other payments. You must give your correct TIN, but you do not have to sign the certification unless you have been notified that you have previously given an incorrect TIN. "Other payments" include payments made in the course of the requester's trade or business for rents, royalties, goods (other than bills for merchandise), medical and health care services (including payments to corporations), payments to a nonemployee for services, payments to certain fishing boat crew members and fishermen, and gross proceeds paid to attorneys (including payments to corporations).

5. Mortgage interest paid by you, acquisition or abandonment of secured property, cancellation of debt, qualified tuition program payments (under section 529), IRA or Archer MSA contributions or distributions, and pension distributions. You must give your correct TIN, but you do not have to sign the certification.

Privacy Act Notice

Section 6109 of the Internal Revenue Code requires you to give your correct TIN to persons who must file information returns with the IRS to report interest, dividends, and certain other income paid to you, mortgage interest you paid, the acquisition or abandonment of secured property, cancellation of debt, or contributions you made to an IRA or Archer MSA. The IRS uses the numbers for identification purposes and to help verify the accuracy of your tax return. The IRS may also provide this information to the Department of Justice for civil and criminal litigation, and to cities, states, and the District of Columbia to carry out their tax laws.

You must provide your TIN whether or not you are required to file a tax return. Payers must generally withhold 30% of taxable interest, dividend, and certain other payments to a payee who does not give a TIN to a payer. Certain penalties may also apply.

What Name and Number To Give the Requester

For this type of account:	Give name and SSN of:
1. Individual	The individual
2. Two or more individuals (joint account)	The actual owner of the account or, if combined funds, the first individual on the account ¹
3. Custodian account of a minor (Uniform Gift to Minors Act)	The minor ²
4. a. The usual revocable savings trust (grantor is also trustee)	The grantor-trustee ¹
b. So-called trust account that is not a legal or valid trust under state law	The actual owner ¹
5. Sole proprietorship	The owner ³
For this type of account:	Give name and EIN of:
6. Sole proprietorship	The owner ³
7. A valid trust, estate, or pension trust	Legal entity ⁴
8. Corporate	The corporation
9. Association, club, religious, charitable, educational, or other tax-exempt organization	The organization
10. Partnership	The partnership
11. A broker or registered nominee	The broker or nominee
12. Account with the Department of Agriculture in the name of a public entity (such as a state or local government, school district, or prison) that receives agricultural program payments	The public entity

¹ List first and circle the name of the person whose number you furnish. If only one person on a joint account has an SSN, that person's number must be furnished.

² Circle the minor's name and furnish the minor's SSN.

³ You must show your individual name, but you may also enter your business or "DBA" name. You may use either your SSN or EIN (if you have one).

⁴ List first and circle the name of the legal trust, estate, or pension trust. (Do not furnish the TIN of the personal representative or trustee unless the legal entity itself is not designated in the account title.)

Note: If no name is circled when more than one name is listed, the number will be considered to be that of the first name listed.



October 22, 2002

Dear Mr. Bynum,

Thank you for your fax letter yesterday (dated October 22, 2002). I feel an ethical and moral obligation to review the application, after satisfactory completion of which I can sign the declarations and assignments. I also have pride in my inventorship, as I conceived substantial portions of the original packaging concept, and recruited the team of co-inventors, encouraging the development of their ideas and contributions, which evolved to what I surmise is represented as a compilation of our inventions in the patent application referenced in your letter. Therefore I am quite willing to make my best effort to ensure that the claims are true to the best of my knowledge, represent the best embodiment of the inventions, and meet the requirements of the U.S. Patent Office, as is stipulated the declarations you will ask me to sign.

However, as I believe that there are many claims rolled into one patent application, I believe that your client's authorization of what is limited to an extremely perfunctory reading, followed by an expectation that I would merely sign some declarations as an inventor would not be in keeping with my responsibility, ethically and legally. I am confident that neither you nor your client are not asking me to "rubber stamp" or misrepresent a declaration, as that would jeopardize the validity of the patent and possible have legal consequences for all parties. Accordingly, I request that you re-visit the extent of your client's authorization so that we can reach a mutually satisfactory arrangement which allows me to faithfully discharge my responsibility as an inventor.

I indicated that I believe 4 hours is a minimum for a reasonable reading of such an application, after which I can determine if further review is required. If your client would like to authorize more time, I can reduce my hourly rate of \$450 by 20% for a two day commitment, which should be sufficient to conduct a satisfactory review of a well-prepared application. Such engagements are customarily conducted on a retainer basis.

I appreciate your efforts to facilitate an arrangement that will fulfill our collective responsibilities towards submitting this application and look forward to being of service. Please let me know your client's preference and agreement and I will submit the W-4.

Best regards,


Axel Sigmar

Madan, Mossman & Sriram, P.C.

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Sally J. Oliver, Of Counsel*

November 1, 2002

Mr. Axel Sigmar
6311 Lowman Ford Road
Lago Vista, Texas 78645

Re: U.S. Patent Application No. 09/936,634 "Integrated Multi-Axis Sensor Assembly and Packaging" Our Ref: IO-1013US and U.S. Patent Application No. 09/936,630 "Sensor" Our Ref: IO-1009-US

Dear Mr. Sigmar,

I have read your facsimile letter of October 22, 2002 in response to our offer to compensate you for reviewing the subject applications. It appears that we are unable to reach an agreement regarding your compensation for reviewing the applications for the purpose of signing the declarations. Nonetheless, I am again submitting the applications and declarations to you with this letter to give you the opportunity to join in the application. If you do not join now, the U.S. Patent & Trademark Office will send you a notice to give you another opportunity to join.

Thank you for speaking with me about these matters. Please contact me if you have questions.

Very truly yours,


Todd A. Bynum

SENDER: COMPLETE THIS SECTION

- ☐ Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired.
- ☐ Print your name and address on the reverse so that we can return the card to you.
- ☐ Attach this card to the back of the mailpiece, or on the front if space permits.

1. Article Addressed to:

Mr. Axel Sigmar
6311 Lowman Fort Road
Lago Vista, Texas 78645

COMPLETE THIS SECTION ON DELIVERYA. Received by (Please Print Clearly) L. SIGMAR B. Date of Delivery 11-12-02C. Signature X L. SIGMAR ☐ Agent ☐ AddresseeD. Is delivery address different from item 1? ☐ Yes
If YES, enter delivery address below: ☐ No3. Service Type
☒ Certified Mail ☐ Express Mail
☐ Registered ☒ Return Receipt for Merchandise
☐ Insured Mail ☐ C.O.D.4. Restricted Delivery? (Extra Fee) ☒ Yes

2. Article Number (Copy from service label)

7000 0520 0023 5189 5371

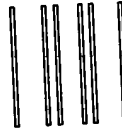
PS Form 3811, July 1999

Domestic Return Receipt

102595-00-M-0952

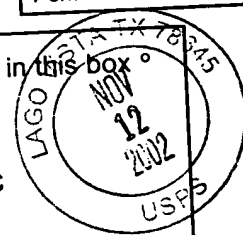
IO-1009

UNITED STATES POSTAL SERVICE

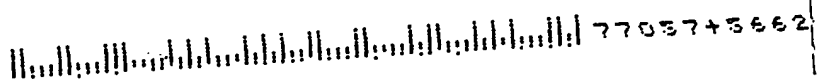
First-Class Mail
Postage & Fees Paid
USPS
Permit No. G-10

° Sender: Please print your name, address, and ZIP+4 in this box °

MADAN, MOSSMAN & SRIRAM, P.C
ATTORNEYS AT LAW
2603 AUGUSTA, SUITE 700
HOUSTON, TEXAS 77057-5638



36



77037+5662



Track & Confirm

Shipment History

You entered 7000 0520 0023 5189 5371

We attempted to deliver your item at 12:57 pm on November 09, 2002 in LEANDER, TX 78645 and a notice was left. It can be redelivered or picked up at the post office. If the item is unclaimed, it will be returned to the sender. Status is updated every evening. Please check again later.

Here is what happened earlier:

- NOTICE LEFT, November 06, 2002, 3:11 pm, LEANDER, TX 78645

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